

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8230 of 2007

Dated: 20.04.2007

Between:

E. Venku Reddy.

..... PETITIONER

AND

The Assistant Commissioner, Endowments Department, Nellore.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.8230 of 2007

ORDER:

The petitioner claims to be a Member of the founder's family of Sri Lakshmi Prasanna Venkateswara Swamy Temple, North Rajupalem, Kodavalur Mandal, Nellore District. According to him late Kanumuru Subba Reddy and late Eruvuru Venku Reddy constructed the temple and were managing the temple till they passed away. The petitioner is grandson of Venku Reddy. In 2006, he approached the respondent - the then competent authority; and obtained a declaration that he is the member of the family of the founder trustee by reason of the proceedings of the respondent in Rc.No.A3/2998/98 dated 20.06.2000. Be that as it is, he is aggrieved by the notice dated 31.03.2007 in Form I issued under Rule 4(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Appointment of Trustees Rules, 1987 calling interested persons to send applications for trusteeship within a period of twenty days. The challenge is mainly based on a circular dated 04.10.1997 issued by the Commissioner requiring all the subordinate officers to include a clause in the notification that founder trustees shall be considered for appointment of trustees, if they apply. The challenge is also based on the ground that as the annual income of the temple is less than Rs.50,000/-, appointment of Board of trustees under Sections 16 and 17 of the Andhra Pradesh Charitable & Hindu Religious Institutions and Endowments Act, 1987 (the Act, for brevity) is not warranted. Insofar as the second point is concerned, unless and until appropriate order is passed by the Commissioner for appointment of Board of trustees, the petitioner cannot seek appointment. Secondly by reason of the declaration obtained by the petitioner in June, 2006, he has right of being appointed as trustee of the Board of trustees and also as chairman of the Board of trustees under Section 17 read with Section 20 of the Act. The petitioner may, therefore, apply immediately to the respondent, in which event, his case shall be considered in accordance with Law. This Court also records that there is no infirmity in the action of the respondent in issuing impugned notice dated 31.03.2007.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

20th April, 2007
Note: Issue CC today.
B/o
ghn